

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-12 ISO-00 EB-08 INT-05 GSA-02 DOE-15
SOE-02 CIAE-00 INR-10 NSAE-00 CA-01 OES-09 /068 R

DRAFTED BY L/EB:KSGUDGEON:ER

APPROVED BY L/EB:FKWILLIS

EB/ORF/FSE:DHART

EB/IFD/OIA:CBOND

EUR/NE:REWOODS

-----116465 171357Z /44

R 162043Z AUG 78

FM SECSTATE WASHDC

TO AMEMBASSY LUXEMBOURG

UNCLAS STATE 207910

E.O. 11652: N/A

TAGS:EGEN

SUBJECT: INQUIRY REGARDING LUXEMBOURG LAW

PASS INTERIOR DEPARTMENT - DORIS A. KOIVULA

1. FROM TIME TO TIME, DEPARTMENT IS REQUESTED BY INTERIOR DEPARTMENT (BUREAU OF LAND MANAGEMENT, MINERAL LEASING BRANCH) TO ASSIST IN DETERMINING FOR PURPOSES OF STATUTE GOVERNING FEDERAL MINERAL LEASING TO COMPANIES WITH FOREIGN EQUITY WHETHER COUNTRY OF ORIGIN AFFORDS US INVESTORS EQUIVALENT RIGHTS. INTERIOR HAS NOW ASKED DEPARTMENT ABOUT STATUS OF LUXEMBOURG.

2. QUESTION ARISES UNDER SECTION 1 OF MINERAL LEASING ACT OF 1920 (30 U.S.C. 181) WHICH PERMITS ANY 'S CORPORATION, INCLUDING THOSE WITH FOREIGN EQUITY (WHETHER INDIVIDUAL OR CORPORATE SHAREHOLDERS), TO ACQUIRE LEASES OF COAL, OIL, UNCLASSIFIED

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GAS, PHOSPHATE AND OTHER DEPOSITS, OR LANDS CONTAINING SUCH DEPOSITS, OWNED BY THE USG. STATUTE DENIES THIS PRIVILEGE TO INVESTORS OF FOREIGN COUNTRIES WHOSE LAWS DO NOT ACCORD US INVESTORS EQUIVALENT OPPORTUNITY. STATUTE UNAFFECTED BY US-LUXEMBOURG FCN. FULL TEXT OF RELEVANT PARTS OF STATUTE FOLLOW PARA 4.

3. EMBASSY REQUESTED TO PROVIDE INFORMATION ON RIGHTS OF US CITIZENS TO ACQUIRE LEASEHOLD INTERESTS IN SIMILAR GOVERNMENT DEPOSITS OR LANDS IN LUXEMBOURG WHICH WOULD ASSIST IN MAKING DETERMINATION UNDER THE STATUTE. IF CONTACT WITH GOL OFFICIALS REQUIRED, INQUIRY SHOULD BE DESCRIBED AS ROUTINE INFORMATION-GATHERING ON FOREIGN INVESTMENT REGULATION.

4. TEXT OF RELEVANT PORTIONS OF 30 U.S.C. 181 QUOTE:
DEPOSITS OF COAL, PHOSPHATE, SODIUM, POTASSIUM, OIL, OIL SHALE, NATIVE ASPHALT, SOLID AND SEMISOLID BITUMEN, AND BITUMINOUS ROCK (INCLUDING OIL-IMPREGNATED ROCK OR SANDS FROM WHICH OIL IS RECOVERABLE ONLY BY SPECIAL TREATMENT AFTER THE DEPOSIT IS MINED OR QUARRIED) OR GAS, AND LANDS CONTAINING SUCH DEPOSITS OWNED BY THE UNITED STATES.... SHALL BE SUBJECT TO DISPOSITION IN THE FORM AND MANNER PROVIDED BY THIS CHAPTER TO CITIZENS OF THE UNITED STATES, OR TO ASSOCIATIONS OF SUCH CITIZENS, OR TO ANY CORPORATION ORGANIZED UNDER THE LAWS OF THE UNITED STATES, OR OF ANY STATE OR TERRITORY THEREOF...CITIZENS OF ANOTHER COUNTRY, THE LAWS, CUSTOMS, OR REGULATIONS OF WHICH DENY SIMILAR OR LIKE PRIVILEGES TO CITIZENS OR CORPORATIONS OF THIS COUNTRY, SHALL NOT BY STOCK OWNERSHIP, STOCK HOLDING, OR STOCK CONTROL, OWN ANY INTEREST IN ANY LEASE ACQUIRED UNDER THE PROVISIONS OF THIS CHAPTER. END QUOTE VANCE

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, LAND, LEASES
Control Number: n/a
Copy: SINGLE
Draft Date: 16 aug 1978
Decapton Date: 01 jan 1960
Decapton Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE207910
Document Source: CORE
Document Unique ID: 00
Drafter: KSGUDGEON:ER
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780336-0600
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1978/newtext/t19780857/aaaabvsg.tel
Line Count: 86
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 4feb8662-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1719094
Secure: OPEN
Status: NATIVE
Subject: INQUIRY REGARDING LUXEMBOURG LAW PASS INTERIOR DEPARTMENT - DORIS A. KOIVULA
TAGS: EGEN, US, LU
To: LUXEMBOURG
Type: TE
vdkgvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/4feb8662-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014